



Temporary Reimbursement Program (TRP) Guidance

Assignment/Transfer of Approved MUSTFA Claims and Approved TRP Pre-Certifications

October 31, 2006

This document provides guidance on the handling of assignments/transfers of Michigan Underground Storage Tanks Financial Assurance (MUSTFA) claims and approved Temporary Reimbursement Program (TRP) pre-certifications.

ASSIGNMENT/TRANSFER OF APPROVED MUSTFA CLAIMS

The statute¹ allows for a pre-certification application to be made by a person who has a valid assignment/transfer of an approved MUSTFA claim. In this scenario, the applicant should provide evidence that the DEQ was notified at least 10 days before the effective date of the transfer/assignment of the approved MUSTFA claim. If the transfer/assignment is being made on or after November 1, 2006, the person should use form EQP 4011 Notice of Transfer/Assignment of Approved MUSTFA Claim.

BANKRUPTCY:

In cases where the MUSTFA claimant has filed bankruptcy, an acceptable assignment/transfer can be made, provided appropriate documentation is submitted to verify that the following conditions are met:

- A. The claimant listed the MUSTFA claim as an asset.
- B. The bankruptcy is still open.
- C. The party or creditor receiving the asset (claim) notifies the DEQ 10 days before the effective date of the transfer/assignment of the claim. If the notification is being made on or after November 1, 2006, the person should use form EQP 4011 Notice of Transfer/Assignment of Approved MUSTFA Claim.

DEATH of CLAIMANT:

If the MUSTFA claimant has died, and the MUSTFA claim was listed as an asset in his/her will, the individual to whom the claim was willed is considered the MUSTFA claim holder for the purpose of submitting the Pre-Certification Application. The appropriate documentation should be submitted with the application.

ASSIGNMENT/TRANSFER OF APPROVED TRP PRE-CERTIFICATIONS

The Temporary Reimbursement Program statute² allows the eligible person with an approved pre-certification application to assign or transfer his/her approved pre-certification. The eligible person must notify the Remediation and Redevelopment Division (RRD) of the proposed assignment or transfer using form EQP 4002 Notice of Transfer/Assignment of Approved Pre-Certification. This notification must be made at least 10 days prior to submission of invoices for the new assignee or transferee.

Approval:


Mohammad Yusaf, P.E., Program Support Section Chief

10-31-06
Date:

¹ Section 21556(3)(a) and 21557(4)(a) of Part 215, Refined Petroleum Fund, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

² Section 21560 of Part 215.